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August 26, 2016

Via Electronic Filing

Honorable Brian C. Wimes
U.S. District Court
Charles Evans Whittaker Courthouse
400 East 9th Street
Kansas City, MO 64106

Re: Paris Limousine of Oklahoma, LLC v. Executive Coach Builders, Inc.
Case No.: 6:16-cv-03095-BCW – Motion to Reconsider (Dkt. 37)

Dear Judge Wimes:

Plaintiff, Paris Limousine of Oklahoma, LLC, wishes to alert Your Honor of an impending date issue that will impact the Court's consideration of Plaintiff's Motion to Reconsider (Dkt. 37) and accompanying Suggestions (Dkt. 38).

On August 12, 2016, the Court dismissed Plaintiff's action on the basis that there is no private right of action (Dkt. 35). Plaintiff filed its Motion to Reconsider one week later, on August 19, on the basis that the express lifetime warranty granted by Defendant, which had not been considered in the dismissal, provides an unqualified right to assert claims grounded in warranty so long as Plaintiff alleges that Defendant's actions will necessitate repairs to the frame or structure of the limousines.

Defendant's date to submit its opposition, as generated by ECF, is set for September 6, 2016, "unless otherwise directed by the court." Plaintiff interprets applicable rules to require the filing of an appeal without any tolling for the Motion to Reconsider. That appeal deadline would fall no later than September 12, 2016 (the next business day following the weekend deadline). As a practical matter, the Court may thus be divested of jurisdiction on the Motion to Reconsider before an Order is issued.

The Honorable Brian C. Wimes
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Plaintiff respectfully requests that the Court consider scheduling for this issue that will allow for full consideration of the Motion to Reconsider prior to September 12, 2016.

Sincerely,

A handwritten signature in black ink, appearing to be 'T. Christopher Tuck', with a large, stylized initial 'T'.

T. Christopher Tuck

TCT/bc

cc: All counsel of record